

REMARKS/ARGUMENTS

The claims are not amended; no new matter is added.

The obviousness rejection of based on Brohuit and Ecomer Product Information Sheet (Ecomer) is traversed because the applied references “teach away” from a feature of Claim 18 and the claims depending therefrom; and because the applied references do not describe or suggest every feature of Claim 18 and the claims depending therefrom.

Applicants have submitted along with this paper, and for the Examiner’s convenience, an Ecomer Monograph by American Nutraceuticals.

Present sole independent Claim 18 is drawn to a method of treating at least one skin damage in a subject in need thereof by orally administering to the subject in need thereof, in an amount sufficient to treat the at least one skin damage, a composition that comprises a diacylglyceryl ether of formula (I), a triglyceride, and *squalene*. The Ecomer Monograph, at page 2, paragraph 3, describes that: “*Squalene* and excessive amounts of vitamins A and D have been *removed* from this product [Ecomer] since the manufacturer considers them *toxic* in high doses.” Ecomer thus does not describe or suggest,¹ and “teaches away”² from, use of a composition containing squalene as employed in present method Claim 18. Brohuit, as acknowledged by the Office at Official Action page 2, employs Ecomer’s composition,³ so Brohuit does not cure the deficiencies of Ecomer.

Withdrawal of the obviousness rejection is requested.

¹ “Obviousness requires a suggestion of all limitations in a claim.” See CFMT, Inc. v. Yieldup Intern. Corp., 349 F.3d 1333, 1342 (Fed. Cir. 2003) (citing In re Royka, 490 F.2d 981, 985 (CCPA 1974)).

² See M.P.E.P. § 2144.05(III). (“A *prima facie* case of obviousness may also be rebutted by showing that the art, in any material respect, teaches away from the claimed invention”).

³ See Brohuit, column 2, lines 19-27. (“In the following examples results are given from therapy with ECOMER in some cases of psoriasis of various degree [sic] of severity”).

Application No. 10/517,323

Reply to Office Action of January 8, 2010, and the Advisory Action of May 4, 2010.

Applicants submit the present application is now in condition for allowance. Early notification to this effect is earnestly solicited.

Respectfully submitted,

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A handwritten signature in black ink, appearing to be 'CJ Andres', written over a horizontal line.

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(OSMMN 08/07)